UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

DAVID PRATT,

          Plaintiff,

    v.

ROBERT C. HIGGINS, et al.,

          Defendants.

Case No. 22-cv-04228-HSG (AGT)

DISCOVERY ORDER

Re: Dkt. No. 35

1. Plaintiff served 633 RFPs on defendants (103 RFPs on 3G Green Garden Group, Inc.; 103 RFPs on 3G Green Garden Group LLC; 103 RFPs on Emerald Harvest, Inc.; 162 RFPs on Robert Higgins, allegedly a co-manager of 3G Green Garden Group LLC d.b.a. Emerald Harvest; and 162 RFPs on Sharon Higgins, allegedly the other co-manager of 3G Green Garden Group LLC. *See* Dkt. 35-1; *see also* FAC ¶¶ 2–3. The "sheer volume" of plaintiff's requests, especially at this early stage in the case—the Court has yet to hold an initial case management conference— is "unduly burdensome and oppressive." *Stokes v. Interline Brands Inc.*, No. C-12-05527 JSW (DMR), 2013 WL 6056886, at *2 (N.D. Cal. Nov. 14, 2013). Plaintiff may amend his RFPs, but he must substantially narrow them if he does. If additional RFPs are warranted, he may serve them as the case progresses. Defendants need not respond further to the RFPs as written.

2. The parties held a Rule 26(f) conference in October 2022, but shortly after, the Court rescheduled the initial case management conference. *See* Dkt. 35 at 5. The Rule 26(f) conference ordinarily triggers the deadline for the parties to serve their initial disclosures, but that trigger is based on the expectation that the Rule 26(f) conference will be held several weeks before the initial case management conference. *See* Fed. R. Civ. P. 26(a)(1)(C), (f)(1). Here, because the Court has yet to hold the initial case management conference, and indeed recently vacated the initial case

management conference (*see* dkt. 39), the parties' initial disclosures won't be due until a later date. Specifically, the Court orders the parties to exchange their initial disclosures on the date on which the initial case management conference is eventually held.

IT IS SO ORDERED.

Dated: January 18, 2023

Alex G. Tse
United States Magistrate Judge